IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3817 OF 2007
IN
SUIT NO.3472 OF 2004

Premraj S. Tiwari ....Plaintiff
V/s.
Subalak Bipat @ Vipat Sharma ....Defendant

Mr.P.N.G. Shukla for the Plaintiff.

Mr.D.P. Shah for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 5TH DECEMBER, 2007.

P.C. :

Mentioned, not on board.

2. The Notice of Motion is disposed of in the following terms :-

i). The order dated 14.11.2005 is set aside and the Summons for Judgment shall be heard subject to the Defendant paying to the Plaintiff an amount of Rs.70,000/- on or before 29.2.2008. The attachment on the vehicles shall stand raised forthwith. It is clarified that the amount of Rs.70,000/- is agreed to be repaid unconditionally being an

admitted amount inclusive of the interest at 12% p.a. even at this stage.

ii). The attachment on two rooms and one shop shall be continued.

iii). The Defendant shall pay the costs of this Notice of Motion fixed at Rs.1500/- on or before 29.2.2008.

iv). In the event of default in payment of the above amounts or part hereof, the order dated 14.11.2005 shall continue to remain in force.